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REMARKS**Response to Claim Objections**

Claim 53 is objected to by the Examiner because of informalities. In response applicants have amended line 1 of this claim to remove "and" between "claim 50" and "further".

Response to Claim Rejections Under 35 U.S.C. §102

Claims 1, 40-44, 46-47 and 49-53 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Okada et al. (U.S. Pat. No. 3,910,279).

Claim 1 has been amended to require an outer sheath slidably disposed about the shaft and configured for axial movement between distal and proximal positions for selectively covering and uncovering the electrosurgical cutting element. Such structure is not taught by Okada et al. Additionally, claim 40 has been amended to depend from claim 1.

Response to Claim Rejections Under 35 U.S.C. §103

Claim 45 was rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Okada et al. ('279) in view of Treat (U.S. Pat. No. 4,493,320). However, claim 45 depends from claim 40 which in turn depends from claim 1. Neither Okada et al. nor Treat suggest the features of claim 1, so the rejection of claim 45 which depends from claim 1 based on these references is believed to not be supportable based on these references.

Claim 48 was rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Okada et al. ('279) in view of Burbank et al. (U.S. Pat. No. 5,980,469). As discussed above, Okada et al. fails to teach the features of claim 1, 40

and 47. Claim 48 depends from these claims, which are believed patentable. Burbank et al. fails to make up for the deficiencies of Okada et al.

Claims 54-56 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Okada et al. ('279) in view of Malis et al. (U.S. Pat. No. 5,733,283). While no reasoning was given by the Examiner why those skilled in the art would combine the teaching of one reference which discloses a tissue cutter proximal to the distal tip with a reference which discloses a tissue cutter on the distal tip, applicants have cancelled these claims without prejudice to facilitate a subsequently filed continuation.

Conclusion

Applicants believe that the presently pending claims define patentable subject matter. Reconsideration and an early allowance thereof are respectfully requested.

Respectfully submitted,

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